

**WASTE CONTROL  
SPECIALISTS LLC**

**COPY**

**RADIOACTIVE  
MATERIALS DIVISION**

April 6, 2010

**VIA HAND DELIVERY**

2011 APR 6 PM 4 30

Ms. Susan Jablonski, P.E., Director  
Radioactive Materials Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, Mail Code 233  
Austin, Texas 78711-3087

Reference: (1) Radioactive Material License No. R04100, Amendment 04  
CN600616890, RN101702439

**Subject: Application for Administrative Amendment to Radioactive Material License  
No. R04100 to Extend Time to Complete Air Hydraulic Conductivities  
Testing Required by License Condition 68.E**

Dear Ms. Jablonski:

Waste Control Specialists LLC (WCS) is submitting one original and four copies of an application for an administrative amendment to Radioactive Material License (RML) No. R04100 (Reference 1) to allow additional time for completing and reporting the results of the air hydraulic conductivities testing required by License Condition 68.E.

WCS will not be able to complete all the required testing within 90 days of the commencement of major construction (i.e., by April 7, 2011) as specified in this license condition. As you are aware, this is a significant testing effort. The drilling of the slanted boreholes in particular has proceeded slower than expected, as has the development of test equipment that is suitable for use in both the vertical and slanted boreholes. By April 7, 2011, WCS will provide TCEQ with the results of that testing that has been completed to date. WCS respectfully requests an additional 60 days (i.e., until Monday, June 6, 2011) to complete the remaining testing and provide TCEQ with an interpretive report.

The proposed changes to RML No. R04100 (Amendment 04) are identified below in underlined font (additions) and strikethrough font (deletions).

**Requested Change to License Condition 68.E:**

Conduct air hydraulic conductivities testing utilizing an array of vertical borings and an array of angled borings, or horizontal borings at depth if determined appropriate, as required in License Condition 50.C. Results of testing must be submitted to the executive director for review within ~~90~~ 150 days of the commencement of major construction.

*Corporate*  
5430 LBJ Freeway, Ste. 1700  
Three Lincoln Centre  
Dallas, TX 75240  
Ph. 972.715.9800  
Fx. 972.448.1419

*Facility*  
P.O. Box 1129  
Andrews, TX 79714  
Ph. 888.789.2783  
Fx. 575.394.3427

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**Requested Change to License Condition 193:**

Except as specifically provided otherwise by this license, the Licensee must possess and dispose of low-level radioactive waste authorized by the license in accordance with statements, representations, and procedures contained in the following:

- Original application dated August 3, 2004, and subsequent revisions
- Application for administrative amendment to change the RSO, dated November 17, 2009
- Application for administrative amendment to authorize revised Quality Assurance Plan and Quality Assurance Procedures dated March 5, 2010
- Application for Minor Amendment to Document Impacts of Installation of Rail Loop, Document Disposal Facility Reconfiguration and Construction Changes, and Modification of Environmental Monitoring Details, dated January 12, 2010
- Application for Administrative Amendment to Extend Time to Complete Air Hydraulic Conductivities Testing Required by License Condition 68.E, dated April 6, 2011

Enclosed with this letter is a signed General Application for Radioactive Material License form (Part A). Because the additional time is needed to properly complete the requirement and therefore ensure the testing provides enhanced assurance of public health and safety and protection of the environment, processing as an administrative amendment is appropriate consistent with Title 30 of the Texas Administrative Code (TAC), Section 305.62(i)(3)(H).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

WCS requests that a copy of all correspondence regarding this matter be emailed to my attention (skirk@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please call me at 432-525-8500.

Sincerely,



J. Scott Kirk, CHP  
Vice President, Licensing, Corporate Compliance and Radiation Safety Officer

Enclosure

Ms. Susan Jablonski, P.E.

April 6, 2011

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cc: Lorraine Council, P.G., TCEQ  
William P. Dornsife, P.E., WCS  
Jim Van Vliet, WCS  
Linda J. Beach, WCS  
Jeffrey M. Skov, WCS  
Jane Grimm, WCS  
Mike Woodward, Hance Scarborough  
Pam Giblin, Baker Botts  
WCS Regulatory Compliance  
WCS Records Management



**Texas Commission on Environmental Quality  
General Application for Radioactive Material License**

<b>I. APPLICANT INFORMATION</b>		
<b>A. Applicant's Legal Name: Waste Control Specialists LLC</b>		
Customer Number (if applicable): <b>CN600616890</b>	License Number (if known): <b>R04100</b>	
Mailing Address: <b>P.O. Box 1129</b>		
City: <b>Andrews</b>	State: <b>Texas</b>	Zip Code: <b>79714</b>
Telephone No.: <b>888-789-2783</b>	Fax No.: <b>575-394-3427</b>	Email Address:
<b>B. Radiation Safety Officer: J. Scott Kirk, CHP</b>		
Mailing Address: <b>P.O. Box 1129</b>		
City: <b>Andrews</b>	State: <b>Texas</b>	Zip Code: <b>79714</b>
Telephone No.: <b>432-525-8500</b>	Fax No.: <b>575-394-3427</b>	Email Address: <b>skirk@valhi.net</b>
<b>C. Official Contact Name (if other than the RSO): William P. Dornsife, P.E. (Corporate Radiation Safety Officer)</b>		
Title: <b>Executive Vice President, Licensing and Regulatory Affairs</b>		
Mailing Address: <b>P.O. Box 1129</b>		
City: <b>Andrews</b>	State: <b>Texas</b>	Zip Code: <b>79714</b>
Telephone No.: <b>717-540-5220</b>	Fax No.: <b>717-540-5102</b>	Email Address: <b>bdornsife@valhi.net</b>
<b>II. IMPORTANT GENERAL INFORMATION</b>		
<b>A. Is confidential information submitted with this application?</b>		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>B. Is a TCEQ Core Data Form (TCEQ Form No. 10400) attached?</b>		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>The TCEQ requires that a Core Data Form be submitted on all incoming applications unless a Regulated Entity and Customer Reference Number have been issued by the TCEQ and no core data information has changed. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at <a href="http://www.tceq.state.tx.us/permitting/central_registry/guidance.html">www.tceq.state.tx.us/permitting/central_registry/guidance.html</a>.</p>		



**Texas Commission on Environmental Quality  
General Application for Radioactive Material License**

<b>III. FACILITY AND SOURCE INFORMATION</b>			
A. Site Name and Location(s) at which radioactive material will be possessed and/or used: <b>Waste Control Specialists LLC, Andrews County, Texas</b>			
Regulated Entity Number (if applicable): <b>RN101702439</b>			
Physical Location, Address, or Description: <b>9998 State Highway 176 West</b>			
City: <b>Andrews</b>	County: <b>Andrews</b>	Zip Code: <b>79714</b>	
B. Principal Company Product or Business: <b>Commercial Waste Management Facility</b>			
C. Locations where records will be kept: <b>9998 State Highway 176 West</b>			
Physical Location, Address, or Description: <b>Approximately one and a half miles north of State Highway 176 at 9044 NW 9999 on State Line Road, 250 feet east of the Texas and New Mexico State Line (30 miles west of Andrews, Texas)</b>			
City: <b>Andrews</b>	County: <b>Andrews</b>	Zip Code: <b>79714</b>	
<b>D. Radioactive Material Data:</b>			
(1) Element and mass number	(2) Chemical or physical form	(3) Maximum activity requested	(4) Use of each form
<b>No change requested</b>	<b>No change requested</b>	<b>No change requested</b>	<b>No change requested</b>
<b>IV. TYPE OF LICENSE ACTION REQUESTED</b>			
A. Action Requested: <input type="checkbox"/> Initial Issuance <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Termination			
B. For a new license, check the type of license requested: <b>N/A</b>			
<input type="checkbox"/> Source Material Recovery		<input type="checkbox"/> Disposal of NORM Waste from Public Water Systems	
<input type="checkbox"/> Radioactive Waste Processing and Storage (describe in Part B of application)		<input type="checkbox"/> Commercial By-product Material Disposal	
<input type="checkbox"/> Low-Level Radioactive Waste Disposal		<input type="checkbox"/> Alternative Methods of Disposal	
C. For an amendment, indicate the type: <input type="checkbox"/> Major Amendment <input type="checkbox"/> Minor Amendment <input checked="" type="checkbox"/> Administrative Amendment			
D. Describe amendment request and regulatory justification for amendment: <b>This submittal requests that RML No. R04100 be amended to extend the time period specified in License condition 68.E by 60 additional days to allow for completion of air hydraulic conductivities testing and reporting. Processing as an administrative amendment is appropriate in accordance with 30 TAC 305.62(i)(3)(H).</b>			



**Texas Commission on Environmental Quality  
General Application for Radioactive Material License**

<b>V. LICENSE FEE INFORMATION</b>			
A. Fee paid for this application:			\$ N/A
B. Has the Radioactive Material License Payment Submittal Form (TCEQ-20462) been submitted to the Cashier's Office?			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
<b>VI. PUBLIC NOTICE INFORMATION</b> <i>(complete for initial issuance, renewal, major and minor amendments)</i>			
A. Responsible Person: <b>SECTION NOT APPLICABLE – ADMINISTRATIVE AMENDMENT REQUEST</b>			
Name:		Title:	
Mailing Address:			
City:	State:	Zip Code:	
Telephone No.:	Fax No.:	E-mail Address:	
B. Technical Contact:			
Company Name:			
Name:		Title:	
Mailing Address:			
City:	State:	Zip Code:	
Telephone No.:	Fax No.:	E-mail Address:	
C. Name of Public Place application may be viewed:			
Physical Address:			
City:		County:	
The public place has granted authorization to place the application for public viewing and copying?			<input type="checkbox"/> YES <input type="checkbox"/> NO
D. Is the list of adjacent landowners included with the application?			<input type="checkbox"/> YES <input type="checkbox"/> NO
E. Is map of the adjacent landowners included with the application?			<input type="checkbox"/> YES <input type="checkbox"/> NO
F. Have the mailing labels with the adjacent landowner's names and mailing addresses been included with the application, as per instructions?			<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>VII. DELINQUENT FEES AND PENALTIES</b>			
Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and Penalties, go to the TCEQ Web site at: <a href="http://www.tceq.state.tx.us/agency/delin/index.html">www.tceq.state.tx.us/agency/delin/index.html</a> .			



Texas Commission on Environmental Quality  
General Application for Radioactive Material License

VIII. SIGNATURE

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

NAME J. Scott Kirk, CHP TITLE: VP, Licensing, Corporate Compliance and Radiation Safety Officer

SIGNATURE: *Scott Kirk*

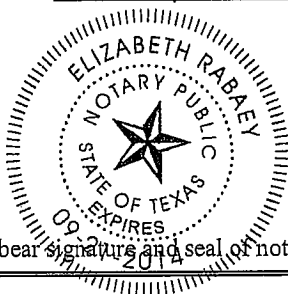
Original Signature Required

DATE: 4/6/11

SUBSCRIBED AND SWORN to before me by the said Scott Kirk

On this 6<sup>th</sup> day of April, 2011

My commission expires on the 21 day of September, 2014



Elizabeth Rabae  
Notary Public in and for  
Travis County, Texas

(Note: Application must bear signature and seal of notary public)

## PART B APPLICATION

Additional technical information must be submitted as Part B of the application. In addition to the information provided in the Part A application, specific information is required as part of the application under Texas Health & Safety Code Chapter 401 and 30 TAC §§305.45, 305.54, 336.205, 336.207, 336.613, 336.615, 336.704, 336.705, 336.706, 336.707, 336.708, 336.709, 336.710, 336.711, 336.1007, 336.1109, 336.1111, 336.1211, and 336.1213, as applicable.

Application materials must be submitted according to applicable requirements of the Texas Engineering Practice Act, the Texas Geoscience Practice Act, and the Professional Land Surveying Practices Act.